



An Ordinance By
Councilman Lee Morris

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF HIGHLAND DRIVE, SAID PORTION BEING FROM PEACHTREE ROAD EAST APPROXIMATELY 310 FEET, 17,313 SQUARE FEET IN AREA, LYING WEST OF PARK DRIVE, IN LAND LOT 61, 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

WHEREAS the City of Atlanta has received a petition to abandon a portion of the right-of-way of Highland Drive, said portion being from Peachtree Road east approximately 310 feet, 17,313 square feet in area, lying west of Park Drive, in Land Lot 62, 17th District, Fulton County, Georgia; and

WHEREAS the Commissioner of the Department of Public Works has determined that said petition is complete and that the required application fee has been paid to the City of Atlanta; and

WHEREAS the petitioners are the sole property owners of the land abutting the portion of right-of-way proposed to be abandoned and petitioners will utilize the abandoned portion of said street right-of-way for commercial purposes; and

WHEREAS the abandoned street right-of-way shall become a part of the abutting property owners' private property and shall be their responsibility to maintain; and

WHEREAS the petitioners have committed to pay the cost of improvements installed to effectuate the abandonment of the right-of-way as is shown on "Exhibit A" of this ordinance; and

WHEREAS the petitioners agree to purchase from the City of Atlanta at appraised fair market value the street right-of-way to be abandoned.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. That a portion of Highland Drive, beginning from the Peachtree Road east approximately 310 feet. 17,313 square feet in area, lying west of Park Drive, in Land Lot 62 of the 17th District of Fulton County, Georgia, as shown on the attached survey plat marked "Exhibit A", is hereby declared no longer useful or necessary for the public use and convenience.

Section 2. That the City of Atlanta hereby abandons the above described portion of Highland drive with the reservation of permanent easements for the purpose of entering the property to operate, maintain, or replace utility facilities. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

Section 3. That the requirements of Section 138-9(k)2 requiring a city standard cul-de-sac be waived and that the abandonment be approved in accordance with the attached survey.

Section 4. That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the street right-of-way to be abandoned.

Section 5. That all costs associated with the appraisal of the subject property and improvements required in Section 7, and that all costs associated with the advertising of this petition for the abandonment shall be charged to and paid from Account Number 1A01 524001 G55001.

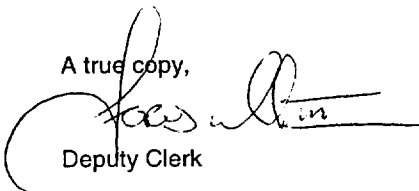
Section 6. That upon approval of this ordinance and upon acceptance of the necessary documents by the Department of Public works, the City Attorney, upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, is hereby directed to prepare a Quit Claim Deed for said abandoned street right-of-way.

Section 7. That the mayor is hereby authorized to execute said Quit Claim Deed for the abandoned street right-of-way, all other conditions being satisfied and to require that the existing Highland Drive intersection with Peachtree Road be redesigned and installed as a city of Atlanta Standard Driveway.

Section 8. Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

OMC – Amendment Incorporated by tcp 6/27/01

A true copy,



Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

Jun 18, 2001
Jun 25, 2001

**LEGAL DESCRIPTION
HIGHLAND DRIVE**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 46 and 61 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

COMMENCE at a T-bar found at the intersection of the southeasterly right-of-way of Peachtree Road (variable right-of-way) with the northeasterly right-of-way of Highland Drive; thence southeasterly along the northeasterly right-of-way of Highland Drive South 55 degrees 00 minutes 45 seconds East a distance of 299.21 feet to a point; thence continuing along said right-of-way along the arc of a 272.38 foot radius curve, and arc distance of 8.98 feet, said curve being subtended by an 8.98 foot chord bearing South 55 degrees 48 minutes 49 seconds East to a point; thence crossing said Highland Drive right-of-way South 59 degrees 53 minutes 59 seconds West a distance of 54.63 feet to a point; thence southwesterly across said Highland Drive right-of-way South 46 degrees 19 minutes 01 seconds West a distance of 10.21 feet to a point located at the intersection of the southwesterly right-of-way line of Highland Drive and the northern side of a 10-foot alley; thence northwesterly along the southwesterly right-of-way line of Highland Drive North 54 degrees 55 minutes 52 seconds West a distance of 281.71 feet to a point located on the southeasterly right-of-way line of Peachtree Road; thence northeasterly along the southeasterly right-of-way line of Peachtree Road North 56 degrees 57 minutes 47 seconds East a distance of 10.78 feet to a point; thence continuing along said right-of-way line North 26 degrees 55 minutes 03 seconds east a distance of 49.52 feet to a point, said point being the POINT OF BEGINNING.

Said property is more particularly shown on that certain Right-of-Way Abandonment Plat dated March 10, 2001, last revised April 10, 2001, prepared by Armstrong Land Surveying, Inc., Robert T. Armstrong, Georgia Registered Land Surveyor No. 1901, which plat is incorporated herein by this reference hereto.

LEGAL DESCRIPTION

**TRACT 1 (NORTHEAST HALF OF HIGHLAND DRIVE)**

ALL THE TRACT OR PARCEL OF LAND lying and being in Land Lots 46 and 61 of the 17th District City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

COMMENCE at a T-bar found at the intersection of the southeasterly right-of-way of Peachtree Road (variable right-of-way) with the northeasterly right-of-way of Highland Drive; thence southeasterly along the northeasterly right-of-way of Highland Drive South 55 degrees 00 minutes 45 seconds East a distance of 299.21 feet to a point; thence continuing along said right-of-way along the arc of a 272.38 foot radius curve, and arc distance of 8.98 feet, said curve being subtended by an 8.98 foot chord bearing South 55 degrees 48 minutes 49 seconds East to a point; thence crossing said Highland Drive right-of-way South 59 degrees 53 minutes 59 seconds West a distance of 27.39 feet to a point; thence North 54 degrees 58 minutes 23 seconds West a distance of 294.63 feet to a point located on the southeasterly right-of-way line of Peachtree Road, thence northeasterly along the southeasterly right-of-way line of Peachtree Road North 26 degrees 55 minutes 03 seconds East a distance of 24.76 feet to a point, said point being the POINT OF BEGINNING.

Said property containing 7,437 square feet (0.17 acre) and is more particularly shown as Tract 1 on that certain Right-of-Way Abandonment Plat dated March 10, 2001, last revised April 10, 2001, prepared by Armstrong Land Surveying, Inc., Robert T. Armstrong, Georgia Registered Land Surveyor No. 1901, which plat is incorporated herein by this reference hereto.

LEGAL DESCRIPTION

TRACT 2 (SOUTHWEST HALF OF HIGHLAND DRIVE)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 46 and 61 of the 17th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a T-bar found at the intersection of the southeasterly right-of-way of Peachtree Road (variable right-of-way) with the northeasterly right-of-way of Highland Drive; thence southwesterly along the southeasterly right-of-way of Peachtree Road South 26 degrees 55 minutes 03 seconds West a distance of 24.76 feet to a point, said point being the POINT OF BEGINNING. From the POINT OF BEGINNING as thus established, thence South 54 degrees 58 minutes 23 seconds East a distance of 294.63 feet of a point; thence southwesterly across said Highland Drive South 59 degrees 53 minutes 59 seconds West a distance of 27.24 feet to a point; thence South 46 degrees 19 minutes 01 seconds West a distance of 10.21 feet to a point located at the intersection of the southwesterly right-of-way line of Highland Drive and the northerly side of a 10-foot alley; thence northwesterly along the southwesterly right-of-way line of Highland Drive North 54 degrees 55 minutes 52 seconds West a distance of 281.71 feet to a point located on the southeasterly right-of-way line of Peachtree Road; thence northeasterly along the southeasterly right-of-way line of Peachtree Road North 56 degrees 57 minutes 47 seconds East a distance of 10.78 feet to a point; thence continuing along said right-of-way line North 26 degrees 55 minutes 03 seconds East a distance of 24.76 feet to a point, said point being the POINT OF BEGINNING.

Said property containing 9,876 square feet (0.23 acre) and is more particularly shown as Tract 2 on that certain Right-of-Way Abandonment Plat dated March 10, 2001, last revised April 10, 2001, prepared by Armstrong Land Surveying, Inc., Robert T. Armstrong, Georgia Registered Land Surveyor No. 1991, which plat is incorporated herein by this reference hereto.

RCS# 2946
6/18/01
1:53 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thur 10

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

| | | | |
|-----------|------------|-----------|-------------|
| Y McCarty | Y Dorsey | Y Moore | Y Thomas |
| Y Starnes | NV Woolard | Y Martin | Y Emmons |
| Y Bond | Y Morris | Y Maddox | Y Alexander |
| Y Winslow | Y Muller | B Boazman | NV Pitts |

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0878
01-O-0880
01-R-0733

CONSENT

06/18/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0850
2. 01-O-0873
3. 01-O-0893
4. 01-O-0879
5. 01-O-0310
6. 01-O-0313
7. 01-O-0657
8. 01-O-0824
9. 01-O-0875
10. 01-O-0877
11. 01-O-0884
12. 01-O-0788
13. 01-O-0789
14. 01-O-0790
15. 01-O-0791
16. 01-O-0876
17. 01-O-0887
18. 01-O-0888
19. 01-R-0882
20. 01-R-0892
21. 01-R-0870
22. 01-R-0181
23. 01-R-0853
24. 01-R-0854
25. 01-R-0858
26. 01-R-0874
27. 01-R-0881
28. 01-R-0856
29. 01-R-0863
30. 01-R-0865
31. 01-R-0866
32. 01-R-0867
33. 01-R-0908

**ITEMS ADVERSED
ON CONSENT AGENDA**

34. 01-R-0859
 35. 01-R-0860
 36. 01-R-0861
 37. 01-R-0862
 38. 01-R-0864
-

01-0-0824

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBER LEE MORRIS

AN ORDINANCE TO ABANDON A
PORTION OF THE RIGHT-OF-WAY
OF HIGHLAND DRIVE, SAID
PORTION BEING FROM PEACHTREE
ROAD EAST APPROXIMATELY 310
FEET, 17,313 SQUARE FEET IN AREA,
LYING WEST OF PARK DRIVE, IN
LOT 61, 17TH DISTRICT, FULTON
COUNTY, GEORGIA, AND FOR
OTHER PURPOSES.

ADOPTED BY

JUN 18 2001

COUNCIL

As Amended

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 5/21/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee CITY UTILITIES
 Date 5-25-01
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: For Public Hearing
 Members _____
 Refer To _____

Committee CITY UTILITIES
 Date 6-12-01
 Chair Clair Muller
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: As Amended
 Members James M. Morris
Lee Morris
Debra Starnes
Ed V.
 Refer To _____

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
 Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
 JUN 18 2001
Richard B. Morris
 COUNCIL PRESIDENT PROTEM

CERTIFIED
 JUN 18 2001
Richard B. Morris
 MUNICIPAL CLERK

MAYOR'S ACTION

JUN 25 2001

MAYOR

James M. Morris
 MAYOR